Return to Hartman

MEMBER
Board of Supervisors

DIANNE FEINSTEIN

January 22, 1976

Personal and Confidential

TO: Nelson Dong

Subject: Demolition Ordinance: Some concerns

#1 There is no disincentive to the raising of rents. My concern is that in order to protect themselves against the relocation costs, landlords would raise rents in the event that theirs was one of the many buildings in the City considered for demolition. There is no provision to prevent this.

#2 The ordinance is overly broad affecting all buildings of 3 units or more. This, therefore, affects a property owner with a small number of units whose buildings generally are of frame construction-often in need of rehabilitation.

#3 There is no provision for prevention of deterioration. It would seem to me that a landlord who wanted to demolish his or her property would simply wait for a court order and allow the property to deteriorate in the interim. In this manner the property owner could circumvent the intent of the ordinance.

#4 The ordinance involves all persons and families receiving an annual income of approximately $12,800 a year. I do not believe this is a valid interpretation of low income.

#5 On page 7 line 10, the ordinance provides that a family shall be deemed to be affected or displaced by a proposed demolition if such a family was or is the last tenant of the owner residing in an affected unit within one year prior to the date of the permit application. This opens a major loophole and would permit tenancy for a short period of time for the specific purposes of obstructing demolition.

#6 Assessment of cost. Nowhere could I find adequate assessment of cost of the ordinance: This would include cost of

forms, regulation and enforcement as well as the cost to the property owner. The property owner in this process will incur substantial costs and, unlike Federal legislation, there is no appropriation accompanying the ordinance.

#7 On October 21st the City Attorney in a letter-opinion stated that the ordinance as presently written would deter and delay the abatement of dangerous, unhealthy and substandard residential structures. He points out that the enforcement of 740 code enforcement cases presently in his office affected by this ordinance would be made more difficult or impossible because of threat of demolition by the city or the option to demolish by the owner would not be available for long periods of time.

#8 The ordinance is subject to litigation as standards. Throughout critical parts of the ordinance the words "where feasible" are employed. It is my belief that this would subject the ordinance to many court tests and in the process of so doing would create enormous confusion.

#9 The ordinance goes beyond the provision of decent, safe and sanitary replacement housing into the area of social concerns. I have concern about referral to the Human Rights Commission on areas which are really not related to building codes and demolition or relocation. This has to do with relocating individuals to units which they consider ethnically, linquistically or socially acceptable. This is a relative state of affairs which will differ for every human being involved. I do not believe it possible to achieve these goals.

#10 The way the ordinance is written the conscientious homeowner who actually tries to carry out the ordinance would be subject to the most cause, trouble and delay. A conscientious property owner who tries to carry out the full scope of this ordinance will find it just about impossible.

#11 The ordinance will affect the great majority of renters in San Francisco rather than the small number of people who are subject to arbitrary eviction due to demolition with no concern for their future welfare.